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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN BORDER
COMMUNITIES COALITION, et al.,

Plaintiffs,

vs.

DONALD J. TRUMP, in his official capacity as
President of the United States of America, et al.,

Defendants.

Case No. 4:19-cv-00892-HSG

CONSENT MOTION FOR LEAVE TO
FILE MEMORANDUM OF 58
RELIGIOUS ORGANIZATIONS AS
AMICI CURIAE IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION

Date: 05/17/2019

Time: 10:00 AM

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Led by the Muslim Bar Association of New York, *amici* respectfully move for leave to file
 3 the attached memorandum as *amici curiae* in the above-captioned matter in support of Plaintiffs’
 4 Motion for a Preliminary Injunction. *Amici* are 58 American religious or religiously-affiliated
 5 organizations who represent a wide array of faiths and denominations and include congregations and
 6 houses of worship, as well as professional, civil liberties, and immigrant rights groups who work
 7 with or represent faith communities (“Religious Organizations”).¹ Counsel for both Plaintiffs and
 8 Defendants have consented to filing of the attached *amici* brief.

10 STATEMENT OF INTEREST AND ARGUMENT

11 The Religious Organizations’ motion for leave to file as *amici curiae* should be granted
 12 because their proposed submission provides a unique perspective on the separation-of-powers issues
 13 before the Court. The president’s border wall initiative targets a disfavored group, namely Mexican
 14 and Central American immigrants arriving through the U.S. border with Mexico. The president’s
 15 incursion into Congress’s constitutionally mandated appropriations authority to target a vulnerable
 16 group, if permitted, threatens the religious liberties of *amici*, because it would create a precedent that
 17 this and future presidents could use to reward or punish particular religious groups based on political
 18 expedience. This president has already targeted certain groups represented by *amici*, including
 19 Muslims, immigrants, and refugees of different faiths. *Amici* are therefore justly concerned that this
 20 president or future presidents will unconstitutionally target them by exploiting the appropriations
 21 power.
 22
 23

24 Section A of the *amici* brief details the importance of the Appropriations Clause in protecting
 25 individual liberties, including religious liberty. Section B demonstrates that the Defendants’
 26

27 ¹ For a list of *amici* and their individual interests, see Appendix A to the proposed *amici* brief.

attempted diversion of funds violates the Appropriations Clause because it was rejected by Congress and is not authorized by the relevant statutes. Section C highlights the rhetoric and policies the president has used to target immigrants for political purposes, culminating in the current unconstitutional attempt to fund a border wall. Section D explains the threat presented to *amici* if the Court permits the president to trample on the protections afforded by the separation of powers.

CONCLUSION

For the foregoing reasons, the Religious Organizations' consent motion for leave to file the attached memorandum as *amici curiae* should be granted.

Dated: New York, New York
May 2, 2019

Respectfully submitted,

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